Honolulu, Hawaii Rbwaw 21, 2014

RE: H.B. No. 1750 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1750 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC ORDER,"

begs leave to report as follows:

The purpose of this measure is to establish the criminal offense of unlawful distribution of sexual representation to prohibit the unconsented reproduction, distribution, exhibition, publication, transmission, or other dissemination of a representation of a nude person or of a person engaging in sexual conduct.

The Pacific Alliance to Stop Slavery and two concerned citizens testified in support of this measure. The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and IMUAlliance provided comments.

Your Committee notes that without a malice element, the application of the offense created under this measure is potentially very broad and could have unintended consequences. Given the possible reach of the proposed offense, it may raise constitutional concerns under the First Amendment. Your Committee respectfully requests that as this measure moves through the Legislature that further discussion take place concerning whether such concern is warranted, and whether further limits should be placed on the offense to ensure that it is more narrowly drawn.

Your Committee has amended this measure by excluding those representations taken voluntarily in public or commercially from the scope of this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1750, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1750, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

State of Hawaii House of Representatives The Twenty-seventh Legislature

HSCR 648-14

Record of Votes of the Committee on Judiciary

HB 1750	Committee Referral:	Date	:: 2 /20/14	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)				
2. HAR, Sharon E. (VC)	COMMAND IN THE COMMAND IN COMMAND			/
3. BELATTI, Della Au				
4. BROWER, Tom			1-0-1880 (1980 WIII)	The Art Street age of Southern Control of Call Street
5. CREAGAN, Richard				
6. ITO, Ken				
7. KAWAKAMI, Derek S.K. 8. LEE, Chris				
9. NAKASHIMA, Mark M.				
10. TSUJI, Clift				
11. WOOLEY, Jessica				
12. MCDERMOTT, Bob				
13. THIELEN, Cynthia				
		3888		Facilities (In the Control of the Co
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TOTAL (13)	/ 8			5
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				